

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

In re: W.R. Grace & Co., et al.

Libby Claimants,

Appellants,

v.

BNSF Railway Co. et al.,

Appellee.

CIVIL ACTION NO. 09-115

Bankruptcy Case No. 01-1139
Adversary Case No. 01-771

ORDER

Presently before this Court is Libby Claimants' Motion to Correct Case Caption, Waive Mediation Requirement, and Establish Designation Deadlines and Briefing Schedule. (Doc. No. 16.) This Court has jurisdiction to hear this appeal, under 28 U.S.C. § 158, and grants, in part, Libby Claimants' Motion to Correct.

Libby Claimants have appealed the Bankruptcy Court's Memorandum and Order which expanded the court's preliminary injunction to include Burlington Northern and Sante Fe Railroad. (Appellants' Mot. to Correct ¶ 1.) Their Motion for Appeal was granted, and the parties have unsuccessfully tried to agree upon a procedural schedule. Libby Claimants filed this Motion to Correct, and Appellees W.R. Grace and Arrowood filed a joint response to Libby Claimants' Motion.

Accordingly, it is ordered:

(1) **Revised Caption:** This suit's case caption is revised from Libby Claimants v. BNSF Railway Company et al. to Libby Claimants v. W.R. Grace & Co., et al.

(2) **Mandatory Mediation:** This Court's Standing Order recognizes that "it is appropriate and necessary for there to be mandatory mediation of all appeal to this Court from the Bankruptcy Court." (Order of Chief Judge Robinson, July 23, 2004.) Accordingly, Libby Claimants' request to waive mediation is denied.

(3) **Scheduling:** Should mediation fail to resolve this matter, this Court will provide a scheduling order at that time.

It is so **ORDERED** this 19th day of March, 2009.

BY THE COURT:

s/ **Ronald L. Buckwalter**
RONALD L. BUCKWALTER, S.J.